

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA	:	:	C.A. NO.: CR05-13-GMS
	:	:	
	:	:	
vs.	:	:	
	:	:	
	:	:	
RASHEE LAMONT HUNTER	:	:	

**DEFENDANT RASHEE LAMONT HUNTER'S SENTENCING MEMORANDUM**

TO THE HONORABLE GREGORY M. SLEET, JUDGE OF THE SAID COURT:

Defendant RASHEE LAMONT HUNTER, by his attorney Mark S. Greenberg, Esquire, respectfully submits this sentencing memorandum for the Court's consideration in connection with sentencing scheduled for October 20, 2005.

Defendant renews his objection to ¶ 31 of the Revised Presentence Report [RPSR] imposing a two-level enhancement pursuant to USSG § 2K2.1(b)(2). Given that the firearm the defendant possessed was stolen in 1982, twenty-three years prior to the instant offense and two years before the defendant was even born, the two-level enhancement in paragraph 31 should be eliminated or the defendant should receive the benefit of a downward departure. Although there is no scienter requirement under § 2K2.1(b)(2), see United States v. Mobley, 956 F.2d 450 (3<sup>rd</sup> 1992), the ancientness of the reported theft of the firearm militates against the

imposition of the enhancement.

In deciding the appropriate sentence, the Court should take into account the following:

- Defendant has gained insight into the errors of acting criminally. ¶ 63;
- Defendant has had the misfortune of not having a father figure in his life. ¶ 53;
- Defendant has not had the benefit of many opportunities in his young life. ¶¶ 53-55;
- Defendant does have some work history, albeit sporadic, and has expressed a desire to learn a trade so that he can become gainfully employed. ¶¶ 62-63.

If the Court does not impose the two-level enhancement under § 2K2.1(b)(2), the defendant's advisory guideline range is 46-57 months (19/IV), and defendant respectfully requests a sentence in the low-end of the guideline range or below.

Respectfully submitted,

/s/ Mark S. Greenberg

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MARK S. GREENBERG, ESQUIRE  
Attorney for RASHEE LAMONT HUNTER

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the date listed below, I electronically filed DEFENDANT RASHEE LAMONT HUNTER'S SENTENCING MEMORANDUM with the Clerk of Court using CM/ECF which will send notification of such filing to the following: AUSA Adam Safwat, 1007 Orange Street, Wilmington, Delaware on the date below.

/s/ Mark S. Greenberg

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DATED: October 18, 2005